

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FRANK SPINA, JR.,

Plaintiff,

v. // CIVIL ACTION NO. 1:07CV92  
(Judge Keeley)

VITAMIN WORLD, INC., GLIMCHER  
REALTY TRUST, MORGANTOWN MALL  
ASSOCIATES LIMITED PARTNERSHIP,  
HERBERT GLIMCHER, as General  
Partner of Morgantown Mall  
Associates Limited Partnership,  
GLIMCHER MORGANTOWN MALL, INC.,  
and GLIMCHER PROPERTIES LIMITED  
PARTNERSHIP,

Defendants.

ORDER FOLLOWING DECEMBER 19, 2007 HEARING

On December 19, 2007, the Court conducted a hearing on several motions pending in this case, followed by a scheduling conference.

For reasons appearing to the Court, and stated on the record, it, 1) **GRANTED** Defendant Glimcher Realty Trust's "Motion to Join Defendant Vitamin World, Inc.'s Motion to Dismiss" (dkt. no. 22), 2) **DENIED** Defendant Vitamin World, Inc.'s ("Vitamin World") "Motion to Dismiss Plaintiff's Amended Complaint" (dkt. no. 21), and 3) **ORDERED** Plaintiff Frank Spina ("Spina") to file the Amended Complaint and complete service on the other parties.

The Court held in abeyance Vitamin World's Motion to Compel, and directed Spina to immediately file his initial discovery disclosures as required by Fed.R.Civ.P. 26(a)(1) and L.R.Civ.P.

ORDER FOLLOWING DECEMBER 19, 2007 HEARING

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26.01(a). Spina filed those disclosures the following day (dkt. no. 29), and, accordingly, the Court now **DENIES** Vitamin World's motion to compel (dkt. no. 26).

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record.

DATED: January 2, 2008

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE